

SEARCH WARRANT NOTIFICATION REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

California law requires any government entity that executes a warrant, or obtains information in an emergency from an electronic communication service provider or from an electronic device shall notify the identified targets of the warrant or emergency request that information about them has been compelled or obtained. The law requires that the government entity provide specific information about the investigation under which the information is sought and provide a copy of the warrant or a written statement setting forth facts giving rise to the emergency. (California Penal Code s. 1546.2)

If there is no identified target of a warrant or emergency request at the time of its issuance, the government entity shall submit to the Department of Justice, within three days of the execution of the warrant or upon expiration of any delay order, the required notification information.

The Department of Justice is required to publish these reports within 90 days of receipt. Names or other personal identifying information may be redacted from the reports. (California Penal Code s. 1546.2)

CREATING A CLEW ACCOUNT (California Law Enforcement Website)

Please use our on-line form located in CLEW to submit search warrant notification documents. **To create a CLEW account:**

Go to the CLEW Sign Up Page [http://\[redacted\]user](http://[redacted]user) and click on the "I want to create an account" tab in the upper right side.

- You will need to know the ORI for your agency
- The rest of the required information is straightforward.
- After filling in and submitting the request, the approval process will be triggered and you will be notified when completed.
- See Steps 1 – 4 below for more information.

UPLOADING SEARCH WARRANT NOTIFICATION DATA TO CLEW

Within CLEW click on "Electronic Search Warrant Notification" on the left had side of page under "Client Services (Step 5)

Select "Submit Search Warrant Notification" to fill in form and attach required documents (Step 6)

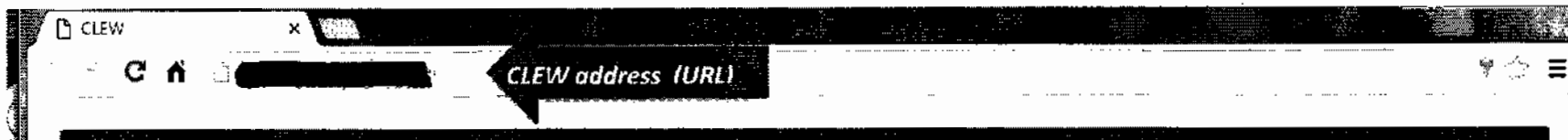
Select "START" to begin entering required information (Step 7)

Although all fields are required, which includes uploading a copy of your search warrant notification forms, your name and email address will not be published. The uploaded search warrant notification forms will also not be published. The statute allows the Department of Justice to redact or withhold all personal identifiable information.

Only information pertaining to the remaining fields: Agency Name; County of Court Issuing Warrant; Date Search Warrant Was Signed; Nature of Government Investigation; Date Warrant or Emergency Order Served On; Start and End Date for Information Requested; Ground for Issuance of the Warrant; Items to be Searched For; Delay Grounds; and Existence of Emergency will be made available for general publication.

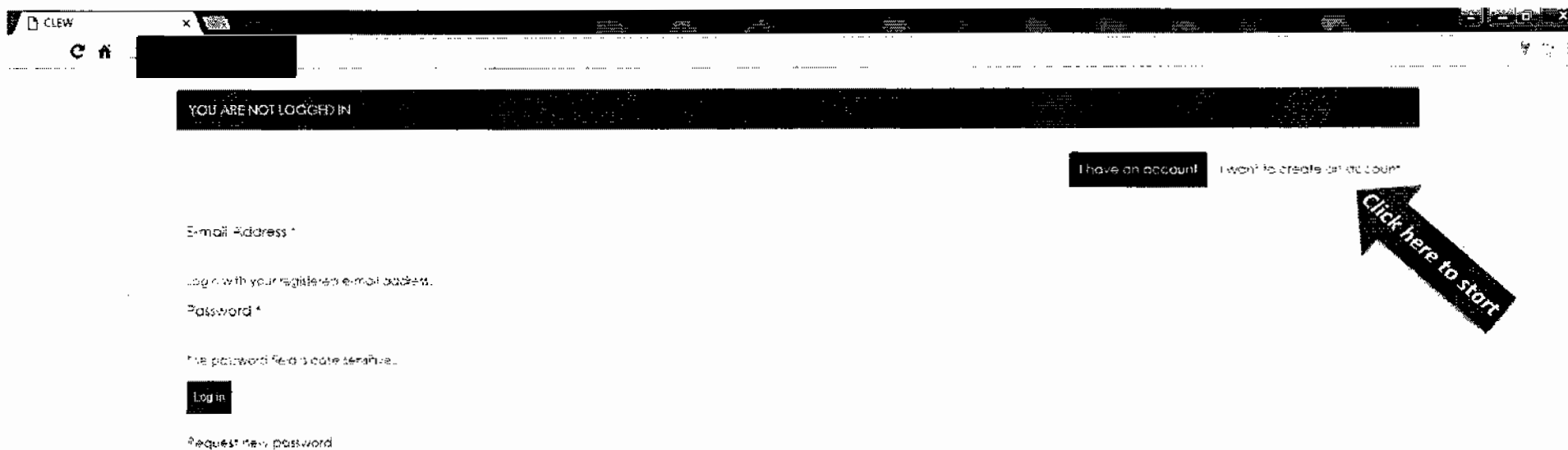
STEPS

STEP 1: Go to your internet browser and type in the CLEW address (URL) clew.doj.ca.gov/user and hit <Enter>:



STEP 2: *If you already have a CLEW account, please go to STEP 4*

If you do not have a CLEW account, click on I want to create an account below:



The screenshot shows the homepage of the California Law Enforcement Welfare (CLEW) website. The top navigation bar includes links for Home, About Us, News, Contact Us, and a search icon. A large white box in the center contains the following text:

Electronic Search Warrant Notification

IMPORTANT MESSAGE for all Law Enforcement Agencies

California law requires any government entity that executes a warrant to obtain information from an emergency victim or an electronic communication service provider or from an electronic device that notify the identified targets of the warrant or emergency request their information about them has been compromised or obtained.

The law requires that the government entity provide specific information about the investigation under which the information is sought and provide a copy of the warrant or a written statement setting forth facts giving rise to the emergency. (California Penal Code § 154.02)

[View More Information Here](#) **5.1 CLICK to continue**

Below the notification, there are several sections: "Emergency Training & Public Notice", "Support Services Available", "Resources to assist agency training efforts", "EMERGENCY RESPONSE by All Agency CLEW Coordinators", and "EMERGENCY RESPONSE by All Agency CLEW Members". Each section has a brief description and a link to more information.


The screenshot shows the CLEW (California Law Enforcement Web) homepage. The header includes the CLEW logo and navigation icons. The sidebar on the left lists 'Client Services' with a link to 'Electronic Search Warrant Notification'. The main content area lists services available to users, such as 'Vehicle VIN Search', 'Vehicle Title Search', and 'Vehicle License Search'. A red arrow points to the 'Electronic Search Warrant Notification' link in the sidebar.

STEP 6: Electronic Search Warrant Notification page. Please read.

After reading, click on "Submit Search Warrant Notification" to fill in form and attach required documents.



STEP 7: Click on Start to begin entering information.

 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

Search Warrant Notification

SEARCH WARRANT NOTIFICATION REPORTING

California law requires any government entity that executes a warrant, or obtains information in an emergency from an electronic communication service provider or from an electronic device shall notify the identified targets of the warrant or emergency request that information about them has been compelled or obtained. The law requires that the government entity provide specific information about the investigation under which the information is sought and provide a copy of the warrant or a written statement setting forth facts giving rise to the emergency. (California Penal Code s. 1546.2)

If there is no identified target of a warrant or emergency request at the time of its issuance, the government entity shall submit to the Department of Justice, within three days of the execution of the warrant or upon expiration of any delay order, the required notification information.

The Department of Justice is required to publish these reports within 90 days of receipt. Names or other personal identifying information may be redacted from the reports. (California Penal Code s. 1546.2)


If you are a Law Enforcement Agency, please use our on-line form to Submit Search Warrant Notification documents.

*Click 'Start' to begin the process of submitting a search warrant notification. Note that your name and email address will not be published as part of this information collection.

Start

7.1 Click on Start

Logged In as...



[Edit account](#) [Sign out](#)

CONTACT EMAIL


Robert.Morgeson@doj.ca.gov

SHARE THIS

[f](#) [t](#) [in](#) [g+](#)

STEP 8 continued:



Attach Search Warrant Notification

 8.3 Click on to select and attach a copy of the Search Warrant

Agency Name

8.4 Enter your Agency's name

County of court issuing the search warrant

Alameda  8.5 Click on  down arrow to display and select the name of the County Court issuing the Search Warrant

Date search warrant was signed

MM DD YYYY

/ / 8.6 Enter the month, day and year the Search Warrant was signed

The nature of the government investigation given rise to the search warrant

8.7 Please see note below the box - enter, with specificity, the nature of the investigation

Law enforcement must state with reasonable specificity the nature of the government investigation under which the information is sought

scroll

STEP 8 continued:

Items to be searched for

- ☐ Basic subscriber information from a service provider
- ☐ Other transactional and account records from a service provider
- ☐ Addressing information (pen register or trap and trace)
- ☐ Location information
- ☐ Stored files (picture, documents, or other files)
- ☐ Communications (email, text, voice mail, or other communication)
- ☐ Other

8.9 Select one or more items to be searched for

Items to be searched for

- ☐ Basic subscriber information from a service provider
- ☐ Other transactional and account records from a service provider
- ☐ Addressing information (pen register or trap and trace)
- ☐ Location information
- ☐ Stored files (picture, documents, or other files)
- ☐ Communications (email, text, voice mail, or other communication)
- ☒ Other

8.9.a If you select "Other" a box will appear for the description of the other items to be searched for

scroll

STEP 8 continued:

Grounds pursuant to Penal Code s. 1524.2 for the issuance of the search warrant

☐ was used as the means of committing a felony

☐ is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery

☐ tends to show that a felony has been committed or that a particular person has committed a felony

☐ tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3 has occurred or is occurring

☐ Other

8.11.a Select the Grounds for the issuance of the search

Grounds pursuant to Penal Code s. 1524.2 for the issuance of the search warrant

☐ was used as the means of committing a felony

☐ is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery

☐ tends to show that a felony has been committed or that a particular person has committed a felony

☐ tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3 has occurred or is occurring

☐ Other

8.11.b If you select Other, enter a description of the Other Grounds

scroll

STEP 8 continued:

If delay requested, reasons for the delay

- ☐ endanger the life or physical safety of an individual
- ☐ lead to flight from prosecution
- ☐ lead to destruction of or tampering with evidence
- ☐ lead to intimidation of potential witnesses
- ☐ otherwise seriously jeopardize an investigation or unduly delay a trial

8.12 IF a delay was requested, select the reason for delay. THIS ENTRY IS NOT REQUIRED

scroll

STEP 8 continued:

Was this an emergency?

☐

Yes

☐

No

**8.13.a Select Yes ONLY IF
this was an emergency**

Was this an emergency?

☒

Yes

☐

No

Facts giving rise to the emergency

**8.13.b IF yes, Enter the
facts giving rise to the
emergency**

California Electronic Communications Privacy Act



NOTICE

**SAAG ROBERT MORGESTER
CALIFORNIA ATTORNEY GENERAL'S ECRIME UNIT**

Overview of CAL ECPA



- **Law enforcement required to use a search warrant or other listed process to obtain:**
 - Electronic communication information from a service provider
 - Electronic device information from a electronic device
- **Provides new requirements for the form of a search warrant targeting electronic information**
- **Notice to the target must now be given for any search warrant that targets electronic communication or device information**
- **Suppression is a remedy**

Required Notice

- Service provider or any other party can provide notice of the warrant
- Government entity **is required to provide notice of the warrant**

Notice will be made contemporaneously with the service of the warrant

In the case of the emergency exception within three days of obtaining electronic information

- **Notification can be delayed for up to 90 day increments**
 - Court determines that there is reason to believe that notification may have an adverse result,
 - only for the period of time that the court finds there is reason to believe that the notification may have that adverse result, and
 - not to exceed 90 days.
 - Court may grant extensions

Form of Required Notice

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.

Sample Notice -- Communication Server Search Warrant

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment:

Sample Notice -- Premise Where EDI is Searched

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

These premises have been searched by peace officers of the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

The list of property seized pursuant to the search warrant is attached.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment:

No Identified Target for Notice²



- Government entity shall submit to the Department of Justice (DOJ)
- Within three days of the execution of the warrant
- All the required information
- DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
- DOJ may redact names or other personal identifying information from the reports.

California Electronic Communications Privacy Act



DELAYED NOTICE

**SAAG ROBERT MORGESTER
CALIFORNIA ATTORNEY GENERAL'S ECRIME UNIT**

Overview of CAL ECPA



- **Law enforcement required to use a search warrant or other listed process to obtain:**
 - Electronic communication information from a service provider
 - Electronic device information from a electronic device
- **Provides new requirements for the form of a search warrant targeting electronic information**
- **Notice to the target must now be given for any search warrant that targets electronic communication or device information**
- **Suppression is a remedy**

Required Notice

- Service provider or any other party can provide notice of the warrant
- Government entity **is required to provide notice of the warrant**
 - Notice will be made contemporaneously with the service of the warrant
 - In the case of the emergency exception within three days of obtaining electronic information
- **Notification can be delayed for up to 90 day increments**
 - Court determines that there is reason to believe that notification may have an adverse result, only for the period of time that the court finds there is reason to believe that the notification may have that adverse result, and not to exceed 90 days.
 - Court may grant extensions

Delay Notification: Sample Order

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which application requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS ORDERED that [ISP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of ninety days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of ninety days.

Delay Notification: Sample Affidavit



11. [IF APPROPRIATE: It is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for ninety days.

Note: A non disclosure request should be made if records will produced by a service provider or other 3rd party.

12. [IF APPROPRIATE: Your affiant is aware that Penal Code § 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. It is further requested, pursuant to the delayed notice provisions of Penal Code § 1546.2(b), an order delaying any notification to the target / party that may be required by § 1546.2(b) about this warrant, for a period of ninety days.

Such an order is justified because providing prior notice to the target / party in this matter would lead to an adverse result which may result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial.]

Sample Application to Extend Delay



IN RE SEARCH OF
[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

APPLICATION FOR AN EX PARTE
ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2))

[AFFIANT'S NAME, TITLE, AND AGENCY], hereby applies to this Court, pursuant to Section 1546.2(b)(2) of the Penal Code, for an order delaying for [INSERT DAYS] days the notification required by Section 1546.2(a) of the Penal Code in connection with Search Warrant # _____ (attached and incorporated by reference) that was issued to obtain electronic information records pertaining to [CUSTOMER / ACCOUNT] from [ISP / COMPANY / ENTITY PRODUCING RECORDS].

This extension of the previously authorized delay is requested because there is reason to believe that the notice will [ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL; LEAD TO FLIGHT FROM PROSECUTION; LEAD TO DESTRUCTION OF OR TAMPERING WITH EVIDENCE; LEAD TO INTIMIDATION OF POTENTIAL WITNESSES; OR OTHERWISE SERIOUSLY JEOPARDIZE AN INVESTIGATION OR UNDULY DELAY A TRIAL.]

Additional facts supporting this delay are as follows: [INSERT FACTS JUSTIFYING FURTHER DELAY]

Therefore, it is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for [INSERT DAYS] days.

It is further requested that the mandate that the law enforcement agency serving this warrant notify the target of the warrant be further delayed for [INSERT DAYS] days.

I swear, under penalty of perjury, that the foregoing information is true and correct, to the best of my knowledge, information and belief.

[AGENT NAME]

Sample Order to Extend Delay

IN RE SEARCH OF
[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2))

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1546.2(b)(2), which application requests that notification of this warrant be delayed. Based upon the reading of the Application For An Ex Parte Order To Extend Delay Of Notification Of Search Warrant, Search Warrant, and Affidavit in Support thereof:

IT APPEARS that there is reason to believe that the notification of the existence of the warrant to any person will result in endangering the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS FURTHER ORDERED that [ISP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of [INSERT DAYS] days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of [INSERT DAYS] days.

(Signature of Magistrate)

(Date)

Judge of the Superior Court, Sacramento, State of California

Form of Delayed Notification

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.
- a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created, and
- a statement of the grounds for the court's determination to grant a delay in notifying the individual.

Sample Delayed Notice

[AGENCY NAME]

[AGENCY ADDRESS]

POST-NOTICE OF SEARCH WARRANT AFTER COURT-ORDERED DELAY

Dear [NAME OF CUSTOMER/TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

Notification to you was delayed pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning: [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

Attachments include:

- A copy of the warrant that includes a description of the location to be searched and the records requested;
- A copy of order delaying notification of the service of this search warrant;
- List of property seized pursuant to the search warrant.
Note this list must include either a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records obtained, the date and time when the earliest and latest records were created. (Penal Code § 1346.2(b)(3))

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

No Identified Target For Notice?

- Government entity shall submit to the Department of Justice (DOJ)
- Within three days of the execution of the warrant
- All the required information
- DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
- DOJ may redact names or other personal identifying information from the reports.

California Electronic Communications Privacy Act

NOTICE

SAAG ROBERT MORGESTER
CALIFORNIA ATTORNEY GENERAL'S ECRIME UNIT

- Law enforcement required to use a search warrant or other listed process to obtain:
 - Electronic communication information from a service provider
 - Electronic device information from a electronic device
- Provides new requirements for the form of a search warrant targeting electronic information
- Notice to the target must now be given for any search warrant that targets electronic communication or device information
- Suppression is a remedy

Required Notice

- Service provider or any other party can provide notice of the warrant
- Government entity **is required to provide notice of the warrant**

Notice will be made contemporaneously with the service of the warrant

In the case of the emergency exception within three days of obtaining electronic information

- **Notification can be delayed for up to 90 day increments**
 - Court determines that there is reason to believe that notification may have an adverse result,
 - only for the period of time that the court finds there is reason to believe that the notification may have that adverse result, and not to exceed 90 days.
 - Court may grant extensions

Delay Notification: Sample Order

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which application requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS ORDERED that [ISP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of ninety days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of ninety days.

Delay Notification: Sample Affidavit

11. [IF APPROPRIATE: It is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for ninety days.

Note: A non disclosure request should be made if records will produced by a service provider or other 3rd party.

12. [IF APPROPRIATE: Your affiant is aware that Penal Code § 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. It is further requested, pursuant to the delayed notice provisions of Penal Code § 1546.2(b), an order delaying any notification to the target / party that may be required by § 1546.2(b) about this warrant, for a period of ninety days.

Such an order is justified because providing prior notice to the target / party in this matter would lead to an adverse result which may result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial.]

Sample Application to Extend Delay

IN RE SEARCH OF
[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

APPLICATION FOR AN EX PARTE
ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2))

[AFFIANT'S NAME, TITLE, AND AGENCY], hereby applies to this Court, pursuant to Section 1546.2(b)(2) of the Penal Code, for an order delaying for [INSERT DAYS] days the notification required by Section 1546.2(a) of the Penal Code in connection with Search Warrant # _____ (attached and incorporated by reference) that was issued to obtain electronic information records pertaining to [CUSTOMER / ACCOUNT] from [ISP / COMPANY / ENTITY PRODUCING RECORDS].

This extension of the previously authorized delay is requested because there is reason to believe that the notice will [ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL; LEAD TO FLIGHT FROM PROSECUTION; LEAD TO DESTRUCTION OF OR TAMPERING WITH EVIDENCE; LEAD TO INTIMIDATION OF POTENTIAL WITNESSES; OR OTHERWISE SERIOUSLY JEOPARDIZE AN INVESTIGATION OR UNDULY DELAY A TRIAL.]

Additional facts supporting this delay are as follows: [INSERT FACTS JUSTIFYING FURTHER DELAY]

Therefore, it is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for [INSERT DAYS] days.

It is further requested that the mandate that the law enforcement agency serving this warrant notify the target of the warrant be further delayed for [INSERT DAYS] days.

I swear, under penalty of perjury, that the foregoing information is true and correct, to the best of my knowledge, information and belief.

[AGENT NAME]

Sample Order to Extend Delay



IN RE SEARCH OF
[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2))

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1546.2(b)(2), which application requests that notification of this warrant be delayed. Based upon the reading of the Application For An Ex Parte Order To Extend Delay Of Notification Of Search Warrant, Search Warrants, and Affidavit in Support thereof:

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will result in: endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS FURTHER ORDERED that [IRP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of [INSERT DAYS] days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of [INSERT DAYS] days.

(Signature of Magistrate)

(Date)

Judge of the Superior Court, Sacramento, State of California

Form of Required Notice



- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.

Sample Notice - Communication Server Search Warrant

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

Sample Notice - Premises Where E.D.I. is Searched

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

These premises have been searched by peace officers of the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

The list of property seized pursuant to the search warrant is attached.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

Form of Delayed Notification

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.
- a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created, and
- a statement of the grounds for the court's determination to grant a delay in notifying the individual.

Sample Delayed Notice

[AGENCY NAME]

[AGENCY ADDRESS]

POST-NOTICE OF SEARCH WARRANT AFTER COURT-ORDERED DELAY

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

Notification to you was delayed pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning: [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

Attachments include:

- A copy of the warrant that includes a description of the location to be searched and the records requested;
- A copy of order delaying notification of the service of this search warrant;
- List of property seized pursuant to the search warrant.
Note this list must include either: a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created. (Penal Code § 1546.2(b)(5).)

If you wish further information, you may contact [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

No Identified Target For Notice?



- Government entity shall submit to the Department of Justice (DOJ)
- Within three days of the execution of the warrant
- All the required information
- DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
- DOJ may redact names or other personal identifying information from the reports.

Form of Required Notice

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.

Sample Notice – Communication Server Search Warrant

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

Dear [NAME OF CUSTOMER/TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment:

Sample Notice – Premise Where EDD is Searched

[AGENCY NAME]
[AGENCY ADDRESS]
NOTICE OF SEARCH WARRANT

These premises have been searched by peace officers of the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

The list of property seized pursuant to the search warrant is attached.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment:

Form of Delayed Notification

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.
- a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created, and
- a statement of the grounds for the court's determination to grant a delay in notifying the individual.

Sample Delayed Notice

[AGENCY NAME]
 [AGENCY ADDRESS]
 POST-NOTICE OF SEARCH WARRANT AFTER COURT-ORDERED DELAY
 Dear [NAME OF CUSTOMER/TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

Notification to you was delayed pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning: [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

Attachments include:

- A copy of the warrant that includes a description of the location to be searched and the records requested;
- A copy of order delaying notification of the service of this search warrant;
- List of property seized pursuant to the search warrant.
Note this list must include either a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created. (Penal Code § 1546.2)(9.)

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

No Identified Target For Notice?

- Government entity shall submit to the Department of Justice (DOJ)
- Within three days of the execution of the warrant
- All the required information
- DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
- DOJ may redact names or other personal identifying information from the reports.
- <http://clew.doj.ca.gov/user>

Required Notice

- Service provider or any other party can provide notice of the warrant
- Government entity **is required to provide notice of the warrant**
 - Notice will be made contemporaneously with the service of the warrant
 - In the case of the emergency exception within three days of obtaining electronic information
- **Notification can be delayed for up to 90 day increments**
 - Court determines that there is reason to believe that notification may have an adverse result,
 - only for the period of time that the court finds there is reason to believe that the notification may have that adverse result, and not to exceed 90 days.
 - Court may grant extensions

Form of Required Notice

- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.

Form of Delayed Notification

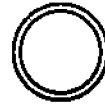
- shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective,
- the identified targets of the warrant or emergency request,
- a notice that informs the recipient that information about the recipient has been compelled or requested, and
- states with reasonable specificity the nature of the government investigation under which the information is sought.
- The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency.
- **a copy of all electronic information obtained or a summary of that information**, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created, and
- a statement of the grounds for the court's determination to grant a delay in notifying the individual.

No Identified Target For Notice?

- Government entity shall submit to the Department of Justice (DOJ)
- Within three days of the execution of the warrant
- All the required information
- DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
- DOJ may redact names or other personal identifying information from the reports.

Go to the CLEW Sign Up Page [http://\[REDACTED\]](http://[REDACTED])

NEW REQUIREMENT



- Notice
- Who, What, Where, When, How

Required Notice – 1546.2

WHO



- Who shall Notify – 1546.2(a)
 - **Shall** provide notice - Government entity
 - **May** provide notice - Service provider or any other party
- Who Shall Be Notified
 - Identified Target(s) 1546.2(a)
 - DOJ if Target(s) Unknown – 1543.2(c)
 - ✦ Government entity shall submit to the Department of Justice (DOJ)
 - Within three days of the execution of the warrant
 - All the required information
 - ✦ DOJ shall publish all those reports on its Internet Web site within 90 days of receipt.
 - ✦ DOJ may redact names or other personal identifying information from the reports.

Required Notice – AG's Office

WHO

- California Law Enforcement Website (CLEW)
 - [REDACTED] user
- Create an account
 - You will need the ORI for your agency (contact CLETS coordinator)
 - You will be notified when “approved”
- Use account
 - Click “Electronic Search Warrant Notification”
 - ✦ Left hand side of page under “Client Services”
 - Select “Submit Search Warrant Notification”
 - ✦ Fill in form
 - ✦ Attach required documents
 - Select “Start”
 - ✦ All field names must be entered
 - ✦ Note – the SW, Notification, your name, email address will **NOT** be published
- Published Items
 - Agency Name
 - County Issuing SW
 - Date SW
 - ✦ Signed
 - ✦ Served
 - Nature of Investigation
 - Dates of Info Requested
 - ✦ Start
 - ✦ End
 - Grounds for
 - ✦ Issuance of SW
 - ✦ Delay
 - Items Searched For
 - Existence of Emergency
- The DOJ is authorized to redact/withhold all PII

CELLULAR OR DIGITAL DEVICE IN LAW ENFORCEMENTS POSSESSION

eCrime Unit sample draft 11/15

The sample search warrant affidavit and attachments below are designed (1) to obtain evidence associated with seized cellular or digital device that relate to the investigation.

Attached Documents and Notes

FACE SHEET: When filling out the search warrant form, write “See Attachment A” in the section that asks for the location of the search and “See Attachment B” in the section that asks for a description of the items to be seized.

LOCATION/PROPERTY DESCRIPTION: The location may be for a device previously seized and at your agency (“Cell Phone booked as evidence item 2015-001-001”) or may be an electronic communications service provider such as Facebook, Google, eBay etc... The property description should describe the records that you have probable cause to believe will be recovered from the device. Describe the with particularity the information to be seized by specifying the time periods covered and, as appropriate and reasonable, the target individuals or accounts, the application of services covered, and the types of information sought. A copy of the warrant must be delivered to the forensic examiner that is processing the device. The forensic examiner should then give the requested data to the agent, who should cull through the data returned by the examiner and isolate material that is not called for by the warrant.

AFFIDAVIT: Investigators should edit the affidavit and attachments to remove requests for information that will not be needed in a particular case. In addition, please note that while the facts described in the “background” section of the affidavit are true for most digital devices, the affiant should be certain that they are true for the particular device that is the subject of the affidavit.

NOTIFICATION OF SEARCH WARRANT – Pursuant to the CAL-ECPA Penal Code section 1546.2 notification must be provided when any government entity executes a warrant that includes the production of or access to electronic communication or device information. The notice shall:

1. Be served upon the identified targets of the warrant,
 - a. If there is no identified target of a warrant at the time of its issuance, the government entity shall submit to the Department of Justice within three days of the execution of the warrant
2. Inform the recipient that information about the recipient has been compelled or requested, and state with reasonable specificity the nature of the government investigation under which the information is sought.
3. Include a copy of the warrant.
4. Be provided contemporaneously with the execution of a warrant, absent an order delaying notification

The four types of sample notifications provided include:

1. Contemporaneous Notification Electronic Communication Provider Search 1546.2(a)
2. Contemporaneous Notification Premises Search for Electronic Devices 1546.2(a)
 - a. Letter and Notice Format
3. Emergency Circumstances Notification 1546.2(b)(1)
4. Notification following Court Ordered Delay 1546.2(a)(3)

DELAYED NOTIFICATION ORDER: There must be a request in the affidavit justifying this delay (see paragraphs 11 and 12 of the sample search warrant affidavit. A sample motion and order requesting an extension for the delayed notification is attached.

REQUEST FOR NONDISCLOSURE

11. [IF APPROPRIATE: It is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for ninety days.

Note: A non disclosure request should be made if records will produced by a service provider or other 3rd party.

12. [IF APPROPRIATE: Your affiant is aware that Penal Code § 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. It is further requested, pursuant to the delayed notice provisions of Penal Code § 1546.2(b), an order delaying any notification to the target / party that may be required by § 1546.2(b) about this warrant, for a period of ninety days.

Such an order is justified because providing prior notice to the target / party in this matter would lead to an adverse result which may result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial.]

Note: Penal Code § 1546.2 mandates that the law enforcement agency serving the warrant that includes the production of or access to electronic communication / device information notifies the target of the warrant contemporaneously with the service of the warrant. This mandatory disclosure may be delayed for up to 90 days upon a showing that notification may have an adverse result to the investigation. An "adverse result" means any of the following: (1) danger to the life or physical safety of an individual; (2) flight from prosecution; (3) destruction of or tampering with evidence; (4) intimidation of potential witnesses; or (5) serious jeopardy to an investigation or undue delay of a trial. Request for delayed notification is to be made by sworn affidavit (can be part of the warrant) and further requests for extension on delaying notification can be made to the court. If using these paragraphs, include a nondisclosure order with warrant.

CONTEMPORANEOUS NOTIFICATION – ECSP SEARCH

Form CADOJ – 001 (draft) – Notice of Communication Service Provider Search Warrant (Pen. Code § 1546.2(a).)

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

Note: Pursuant to Penal Code § 1546.2 (a) any government entity that executes a warrant that includes the production of or access to electronic communication / device information shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, the identified targets of the warrant, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant. The notice shall be provided contemporaneously with the execution of a warrant.

NOTIFICATION – EMERGENCY SEARCH

Form CADOJ – 002 (draft) – Post Notice Following Emergency Access (Pen. Code § 1546.2(b)(1).)

[AGENCY NAME]

[AGENCY ADDRESS]

POST-NOTICE FOLLOWING EMERGENCY ACCESS

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic device information held by the entity named in the attached request were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a emergency. This request subsequently affirmed on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the order and subsequent warrant are attached that includes a description of the location to be searched and the records requested.

Emergency access to such records was obtained on the grounds [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

*Note: Penal Code § 1546.2(a) requires that any government entity that obtains the production of or access to electronic information pursuant to an emergency exception shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, the identified targets of the warrant, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant. **The notice shall be provided within three days of obtaining the electronic information..***

DELAYED NOTIFICATION PURSUANT TO COURT ORDERED DELAY

Form CADOJ – 003 (draft) – Post Notice of Search Warrant After Court-Ordered Delay (Pen. Code § 1546.2(a)(3).)

[AGENCY NAME]

[AGENCY ADDRESS]

POST-NOTICE OF SEARCH WARRANT AFTER COURT-ORDERED DELAY

Dear [NAME OF CUSTOMER/ TARGET OF WARRANT]:

Records or information concerning your electronic communication / device information held by the entity named in the attached search warrant were obtained by the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

Notification to you was delayed pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning: [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

Attachments include:

- A copy of the warrant that includes a description of the location to be searched and the records requested;
- A copy of order delaying notification of the service of this search warrant;
- List of property seized pursuant to the search warrant.
Note this list must include either a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created. (Penal Code § 1546.2(b)(3).)

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

Note: Pursuant to Penal Code § 1546.2(a)(3) upon expiration of the period of delay of the notification, the government entity shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective as specified by the court issuing the order authorizing delayed

notification, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant, the identified targets of the warrant, a copy of all electronic information obtained or a summary of that information, including, at a minimum, the number and types of records disclosed, the date and time when the earliest and latest records were created, and a statement of the grounds for the court's determination to grant a delay in notifying the individual.

If there is no identified target of a warrant at the time of its issuance, the government entity shall submit to the Department of Justice or upon the expiration of the period of delay of the notification the identified targets of the warrant, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant.

CONTEMPORANEOUS NOTIFICATION – DEVICE SEARCH [LETTER]

Form CADOJ – 004A (draft) – Notice of Search Warrant for Premises Where Electronic Device Information is Searched – Letter Format (Pen. Code § 1546.2(a).)

[AGENCY NAME]

[AGENCY ADDRESS]

NOTICE OF SEARCH WARRANT

These premises have been searched by peace officers of the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.

A copy of the warrant is attached that includes a description of the location to be searched and the records requested.

The list of property seized pursuant to the search warrant is attached.

These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]

If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

[DATE] [NAME AND TITLE OF OFFICIAL]

Attachment

CONTEMPORANEOUS NOTIFICATION – DEVICE SEARCH [FLYER]

Form CADOJ – 004B (draft) – Notice of Search Warrant for Premises Where Electronic Device Information is Searched – Flyer Format (Pen. Code § 1546.2(a).)

SEARCH WARRANT: NOTICE OF SERVICE

TO WHOM IT MAY CONCERN:

1. These premises have been searched by peace officers of the [NAME OF SEARCHING AGENCY] pursuant to a search warrant issued on [DATE] by the Honorable [NAME OF MAGISTRATE], Judge of the [COUNTY] Superior Court.
2. The search was conducted on [DATE]
3. A copy of the warrant is attached that includes a description of the location to be searched and the records requested.
4. These records were requested for a criminal investigation pertaining to [STATE WITH REASONABLE SPECIFICITY THE NATURE OF THE GOVERNMENT INVESTIGATION UNDER WHICH THE INFORMATION IS SOUGHT]
5. The list of property seized pursuant to the search warrant is attached.
6. If you wish further information, you may contact: [NAME OF INVESTIGATOR] at [TELEPHONE NUMBER].

Note: Penal Code § 1546.2 (a) requires that any government entity that executes a warrant that includes the production of or access to electronic communication / device information shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, the identified targets of the warrant, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant. The notice shall be provided contemporaneously with the execution of a warrant.

If there is no identified target of a warrant at the time of its issuance, the government entity shall submit to the Department of Justice within three days of the execution of the warrant the identified targets of the warrant, a notice that informs the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant.

**EX PARTE APPLICATION AND ORDER TO EXTEND NOTIFICATION
DELAY**

Form CADOJ – 005 (draft) – Ex Parte Application and Order to Extend Delay of Notification (Pen. Code § 1546.2(b)(2).)

SUPERIOR COURT OF THE STATE OF
CALIFORNIA
COUNTY OF [_____]
IN RE SEARCH OF

[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

**APPLICATION FOR AN EX PARTE
ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2).)**

[AFFIANT'S NAME TITLE, AND AGENCY], hereby applies to this Court, pursuant to Section 1546.2(b)(2) of the Penal Code, for an order delaying for [INSERT DAYS] days the notification required by Section 1546.2(a) of the Penal Code in connection with Search Warrant # _____ (attached and incorporated by reference) that was issued to obtain electronic information records pertaining to [CUSTOMER / ACCOUNT] from [ISP / COMPANY / ENTITY PRODUCING RECORDS].

This extension of the previously authorized delay is requested because there is reason to believe that the notice will [ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL; LEAD TO FLIGHT FROM PROSECUTION; LEAD TO DESTRUCTION OF OR TAMPERING WITH EVIDENCE; LEAD TO INTIMIDATION OF POTENTIAL WITNESSES; OR OTHERWISE SERIOUSLY JEOPARDIZE AN INVESTIGATION OR UNDULY DELAY A TRIAL.]

Additional facts supporting this delay are as follows: [INSERT FACTS JUSTIFYING FURTHER DELAY]

Therefore, it is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), [ISP / COMPANY / ENTITY PRODUCING RECORDS] be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for [INSERT DAYS] days.

It is further requested that the mandate that the law enforcement agency serving this warrant notify the target of the warrant be further delayed for [INSERT DAYS] days.

I swear, under penalty of perjury, that the foregoing Information is true and correct, to the best of my knowledge, information and belief.

[AGENT NAME]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF [_____]

IN RE SEARCH OF

[LOCATIONS TO BE SEARCHED]
[SEARCH WARRANT #]

**ORDER TO EXTEND DELAY OF
NOTIFICATION OF SEARCH
WARRANT (PEN. CODE § 1546.2(b)(2).)**

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1546.2(b)(2), which application requests that notification of this warrant be delayed. Based upon the reading of the Application For An Ex Parte Order To Extend Delay Of Notification Of Search Warrant, Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS FURTHER ORDERED that [ISP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of [INSERT DAYS] days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of [INSERT DAYS] days.

(Signature of Magistrate)

(Date)

Judge of the Superior Court, Sacramento, State of California

ORDER OF THE COURT TO DELAY NOTIFICATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF [_____]

IN RE SEARCH OF
[LOCATIONS TO BE SEARCHED]

ORDER TO DELAY NOTIFICATION OF SEARCH WARRANT

ORDER

This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which application requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will result in endanger the life or physical safety of an individual; lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial or otherwise lead to an adverse result.

IT IS ORDERED that [ISP / COMPANY / ENTITY PRODUCING RECORDS] shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of ninety days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of ninety days.

(Signature of Magistrate)

(Date)

Judge of the Superior Court, Sacramento, State of California